

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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| WILLIAM ISOM RICHARDSON, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 16-1551 |
| |) | Judge Alan N. Bloch / |
| v. |) | Chief Magistrate Judge Maureen P. Kelly |
| |) | |
| AGENT ROBERT L. WERNER and AGENT |) | |
| ERIC J. YINGLING, |) | |
| |) | |
| Defendants. |) | |

ORDER

William Isom Richardson (“Plaintiff”) is currently a pre-trial detainee for federal charges, arising from the Western District of Pennsylvania. USA v. Richardson, No. 2:16-cr-139-MRH-6 (W.D. Pa.). He has initiated this civil rights action against two FBI agents.

The case was referred to Chief Magistrate Judge Maureen Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Chief Magistrate Judge Kelly’s Report and Recommendation (Doc. No. 2), filed on October 17, 2016, recommended that Plaintiff’s Motion for Leave to Proceed In Forma Pauperis (“the IFP Motion”) (Doc. No. 1), be denied because Plaintiff has “three strikes” under 28 U.S.C. § 1915(g) and does not come within the imminent danger exception of that statute. Plaintiff was informed that he could file Objections to the Report. Plaintiff filed Objections on November 7, 2016. (Doc. No. 3). Nothing in those Objections merits rejection of the Report or extended discussion.

Plaintiff's primary complaint is that his name is not Robert Richardson. (Id. at ¶ 1). He does so in response to the fact that, at one place in the text of the Report, Plaintiff was referred to as "Robert Isom Richardson." (Doc. No. 2 at 1). It is clear that that the caption of this case at bar is "William Isom Richardson." The IFP Motion was in the name of "William Isom Richardson." (Doc. No. 1). Plaintiff submitted a complaint in the name of "William Isom Richardson." (Doc. No. 1-1). The three cases cited by the Report as strikes all were filed by "William Isom Richardson." In the criminal case involving Plaintiff, and referenced by the Report, he is referred to as "William Isom Richardson" and/or "William Richardson." Given the foregoing, it is clear to this Court that the Report's single reference to "Robert Isom Richardson" was merely a typographical error. The Court finds as a fact that Plaintiff has three strikes as cited in the Report and that Plaintiff is not permitted to proceed IFP pursuant to Section 1915(g).

Accordingly, after *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 29th day of December, 2016,

IT IS HEREBY ORDERED that the Objections are overruled and the IFP Motion (Doc. No. 1) is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 2), filed on October 17, 2016, by Chief Magistrate Judge Kelly, is adopted as the opinion of the Court as supplemented by this Order with the caveat that the Report's reference to "Robert Isom Richardson" was merely a typographical error without any consequence.

IT IS FURTHER ORDERED that Plaintiff must pay the entire filing fee of \$400.00 by January 26, 2017. Failure to do so will result in the case being dismissed with prejudice for failure to prosecute without further warning.

BY THE COURT:

/s/Alan N. Bloch
ALAN N. BLOCH
UNITED STATES DISTRICT JUDGE

Date: December 29, 2016

cc: The Honorable Maureen P. Kelly
Chief United States Magistrate Judge

WILLIAM ISOM RICHARDSON
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